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Because all of the pending cases are subject to Section 502B of the Foreign Assistance Act, Congress could request a justification for any approvals, including a finding by you that this "security assistance" is necessitated by extraordinary circumstances and, on all the facts, is in the national interest. The texts of the relevant statutory provisions are at Tab 5.

BUREAU POSITIONS

Opinion in State is split on this issue. HA recommends that, in light of the continuing consistent pattern of gross violations of internationally-recognized human rights, these cases be disapproved. They believe that refusal to ship arms to Argentina would be responsive /both to Congressional policy on human rights and arms transfers, as expressed in Section 502B (See Tab 6), and to the President's policy. HA contends that the recent approval of a \$9 million training aircraft export is more than sufficient as a response to any favorable responses we may have on human rights from the Argentine Government. Moreover, point six of PD-30 on human rights states that, in the absence of exceptional circumstances, the USG will not provide material or financial support to the police, civil law enforcement authorities or others with internal security responsibilities of governments engaging in serious human rights violations. All of the Argentine armed services are engaged in serious violations of human rights. Our past attempts at "inducement" of favorable human rights performance have failed. Despite approval of export of helicopters, and periscopes last fall, the Argentine Government has failed to keep its December 1977 commitments to you to make major human rights improvements. Furthermore, releasing badly needed spares to the Argentine armed services prior to any favorable change would sacrifice whatever leverage we may have for inducing progress. HA is, however, agreeable to sending a team of officers to support a diplomatic demarche with specific requests that the

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Department of State, A/GIS/IPS/SRP

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Argentine Government release or bring to public trial all political detainees, account for all disappeared persons and demonstrate effective control of the presently completely uncontrolled and competing security forces. If the Argentine Government appears to be meeting these objectives, HA would be willing to reconsider these cases. (PM, S/P, and ARA believe it could be counter-productive to have military officers make this kind of approach unless it was accompanied by approval of at least some arms sales requests). In any event, HA believes that no new arms shipments should be approved for Argentina without first consulting with interested members of Congress.

H believes that any significant shift from the present policy of holding Argentine cases would be very difficult to defend before Congress, but that we may have some flexibility to approve certain "pipeline" cases, provided the approvals do not include munitions and lethal end-items. In legislating the cut-off, Congress twice displayed concern for those cases where contracts had been signed prior to August 4, 1977, the date the Humphrey-Kennedy amendment was enacted. The legislative history also indicates that we could go beyond "pipeline" cases only if we could show some significant human rights improvements in Argentina. Kennedy's office has indicated that the Senator's letter to you does not preclude approval of such "pipeline" cases. Any approvals beyond the "pipeline" cases could stimulate criticism from members of Congress who would see it as a retreat from our human rights policies and as an abuse of the flexibility permitted by the Congress.

Apart from the training issue, PM, ARA, S/P and L agree with Secretary Brown's approach, which is also consistent with one of the approaches suggested in the Human Rights Strategy Paper for Argentina. They are concerned that we have only a few months left

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Box 13

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